

REMARKS

Claims 1-3 are cancelled without prejudice or disclaimer. Therefore claims 4-12 are the claims currently pending in the Application.

Claim 4, which had depended from claims 1-3, is rewritten as an independent claim and amended to clarify features recited therein. Further, claims 10 and 12 are rewritten as independent claims, as suggested by the Examiner. Also, independent claim 11 is amended to clarify features recited therein. These amendments to the claims are fully supported by Applicant's disclosure (for example, see pages 2 and 3 of the Specification).

The Examiner objected to claims 10 and 12 on the grounds that claims 10 and 12 appear to be intended as independent claims, yet both refer back to dependent claim 9. As stated, the claims 10 and 12 have been amended to clarify this issue. Therefore, this objection should now be withdrawn.

Formal matters

Applicant thanks the Examiner for acknowledging the claim for foreign priority and the receipt of the priority document.

Further, Applicant thanks the Examiner for acknowledging review and consideration of the references filed in the Information Disclosure Statement filed on October 16, 2001.

The Examiner objected to the inventor's Declaration on the grounds that it recites that Applicant will disclose information immaterial to patentability under 37

C.F.R. § 1.56(a) instead of 37 C.F.R. § 1.56. Applicant will file a corrected declaration under separate cover.

Rejection Of Claims 1-3 Under 35 U.S.C. § 102.(b)

Claims 1-3 are rejected under 35 U.S.C. § 102(b) as being anticipated by Racine, U.S. No. Patent 4,811,243.

Claims 1-3 are cancelled. Therefore this rejection is moot.

Rejection of Claim 4 Under 35 U.S.C. § 103

Rejection of Claim 4 Under 35 U.S.C. § 103 as being obvious from Racine in view of Gaertner, U.S. Patent No. 5,608,560. This rejection is traversed.

For at least the following reasons, Applicant's claimed invention is neither anticipated by nor obvious from cited prior art, including Racine and Gaertner. By way of example, independent claim 4 requires, *inter alia*, deriving of value of the parameter from a thickness and/or a color of the stroke at a certain point of time, corresponding to the x-coordinate.

Racine discloses a coordinate digitizing system for reading data from construction drawings and estimating values based on drawings (Racine, Abstract). Racine discloses determining x and y coordinate positions on a surface of a drawing drawn by a pointer means (Racine, col. 1, lines 56-62) such as a blueprint or a plan or a diagram used in construction planning or other industries (Racine, col. 1, lines 19-23) and calculating parameters from the coordinates such as the weight of the material required for a portion of the drawings used in construction (Racine, col. 6, line 23-35). Racine

does not disclose or suggest a certain point of time corresponding to the x-coordinate, as *inter alia* required by independent claim 4. The Examiner acknowledges that Racine does not identify that the x-coordinate corresponds to time (Office Action, Page 5). However, the Examiner alleges that Gaertner discloses this feature.

Gaertner discloses that a threshold specified by a user in a user interface dialog box, in which the x -axis corresponds to time in the y-axis corresponds to a value (Gaertner Fig. 4; col. 5 lines 16-28).

Gaertner does not disclose or suggest that a value of a parameter is derived from a thickness and/or a color of the stroke in the drawing, as *inter alia* required by independent claim 4. Since Gaertner does not disclose this feature, Gaertner is incapable of disclosing that a value of the parameter is derived from a thickness and/or a color of the stroke at a certain point of time corresponding to the x-coordinate, as further required by independent claim 4. Therefore, the Examiner is respectfully requested to withdraw this rejection.

Rejection of claims 5-9 under 35 U.S.C. § 103

Claims 5-9 are rejected under 35 U.S.C. § 103 as being obvious from Racine, Gaertner and Gingras U.S. Patent No. 4,236,084, this rejection is traversed. Claims 5-9 depend from independent claim 4 and thus incorporate novel and non-obvious features thereof. Gingras does not remedy the deficiencies of Racine and Gaertner as they relate to the above-features of independent claim 4.

Therefore, claims 5-9 are patentably distinguishable over the prior art for

at least the reasons that independent claim 4 is patentably distinguishable over the prior art. Accordingly, this rejection should be withdrawn.

For at least the reasons set forth in the foregoing discussion, Applicant believes that the Application is now allowable, and respectfully requests that the Examiner reconsider the rejections and allow the Application. Should the Examiner have any questions regarding this Amendment, or regarding the Application generally, the Examiner is invited to telephone the undersigned attorney.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "George Brieger".

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